



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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NOTICE OF BILL RETURNED TO RULES COMMITTEE

March 3, 2011

Madam Speaker:

The Business and Labor Committee has returned **H.B. 289, PSYCHOLOGIST LICENSING AMENDMENTS**, by Representative M. Newbold, to the Rules Committee without recommendation with the following amendments:

1. *Page 2, Line 28:*

28 AMENDS:

= **58-1-301.5, as last amended by Laws of Utah 2010, Chapter 372**

2. *Page 2, Line 40:*

40 *Be it enacted by the Legislature of the state of Utah:*

= **Section 1. Section 58-1-301.5 is amended to read:**

58-1-301.5. Division access to Bureau of Criminal Identification records.

(1) The division shall have direct access to criminal background information maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background screening of licensure applicants as required in:

- (a) Section 58-17b-307 of Title 58, Chapter 17b, Pharmacy Practice Act;
- (b) Section 58-31b-302 of Title 58, Chapter 31b, Nurse Practice Act;
- (c) Section 58-47b-302 of Title 58, Chapter 47b, Massage Therapy Practice Act;
- (d) Section 58-55-302 of Title 58, Chapter 55, Utah Construction Trades

Licensing Act, as it applies to alarm companies and alarm company agents;

- (e) Section 58-63-302 of Title 58, Chapter 63, Security Personnel Licensing Act;

~~{and}~~

- (f) Section 58-64-302 of Title 58, Chapter 64, Deception Detection Examiners

Licensing Act ~~{and}~~ **; and**

(g) Section 58-61-702, of Title 58, Chapter 61, Part 7, Prescriptive Authority

Bill Number



HB0289

Action Class



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for Licensed Psychologists.

- (2) The division access under Subsection (1) shall be:
- (a) in accordance with Section 53-10-108; and
 - (b) to all convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, all dismissed charges, and charges without a known disposition.

Renumber Remaining Sections accordingly

3. *Page 4, Lines 103 through 104:*

- 103 (d) completes a criminal background check under the provisions of Section
58-1-301.5 and is free from criminal convictions {~~as~~
104 required by Subsections (3) and (4)} :

4. *Page 5, Lines 127 through 141:*

- 127 {~~(3) To determine if an applicant meets the qualifications of Subsection (1)(c)~~
~~or (d), the~~
128 ~~division shall provide an appropriate number of copies of fingerprint cards to the~~
~~Department~~
129 ~~of Public Safety with the division's request to:~~
130 ~~—(a) conduct a search of records of the Department of Public Safety for criminal~~
~~history~~
131 ~~information relating to each applicant for certification under this part; and~~
132 ~~—(b) forward to the Federal Bureau of Investigation a fingerprint card of each~~
~~applicant~~
133 ~~requiring a check of records of the FBI for criminal history information under this~~
~~section.~~
134 ~~—(4) The Department of Public Safety shall send to the division:~~
135 ~~—(a) a written record of criminal history, or certification of no criminal history~~
~~record, as~~
136 ~~contained in the records of the Department of Public Safety in a timely manner after~~
~~receipt of~~
137 ~~a fingerprint card from the division and a request for review of Department of Public~~
~~Safety~~



138 records; and
139 —(b) the results of the FBI review concerning an applicant in a timely manner
after
140 receipt of information from the FBI.
141 —(5)} (3) (a) The division shall charge each applicant a fee, in accordance with
Section

5. *Page 5, Line 146:*

146 {(6)} (4) Information obtained by the division from the reviews of criminal
history records of

Respectfully,

James A. Dunnigan
Committee Chair

Voting: --

14 HB0289.HC1.WPD 3/3/11 11:12 am /BRH CJD/MDA

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